

respectfully request that the above-referenced application be amended as follows and the accompanying remarks considered.

IN THE CLAIMS:

Please cancel claims 1 - 45 without prejudice.

Please add the following new claims:

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no
conflict

46. (New) A method for making substitute continuing payments into a trust of a retirement plan, into which contribution payments are normally made on behalf of an employee participating in the plan, during a period of non-payment due to a long-term disability of the employee, comprising:

- a. including a disability insurance policy as a feature of the plan;
- b. holding the insurance policy as an asset of the plan's trust;
- c. paying premiums for the insurance policy with assets of the trust; and
- d. receiving into the trust disability benefit payments made under the insurance policy,

wherein, the disability benefit is substantially equal to the contribution payments made to the trust on behalf of said employee prior to the occurrence of disability.

47. (New) The method of claim 46, wherein the retirement plan is a tax qualified defined contribution 401(a) plan,

thereby subjecting said insurance policy to the terms of said defined contribution plan, including rules and regulations of the Internal Revenue Service (IRS) and the Department of Labor (DOL) to which the defined contribution plan itself is subject.

48. (New) The method of claim 46, wherein the retirement plan is a tax qualified 401(k) plan, thereby subjecting said insurance policy to the terms of said 401(k) plan, including the IRS and DOL rules and regulations to which the 401(k) plan itself is subject.

49. (New) The method of claim 46, wherein said disability benefits payable under the insurance policy are received into the trust as investment return of the trust.

50. (New) The method of claim 46, wherein, in accordance with provisions of the IRC and its attendant rules and regulations, the plan is subject to non-discrimination requirements with regard to eligibility for the insurance, and said non-discrimination requirements are met by matching eligibility for said insurance to eligibility for the plan, participation in the plan, or both.

51. (New) The method of claim 50, wherein eligibility for the insurance is matched to eligibility for the plan, participation in the plan, or both, for the plan year prior to the policy year for which the insurance is effective.

52. (New) The method of claim 46, wherein, in accordance with the provisions of the IRC and its attendant rules and regulations, the plan is subject to non-

discrimination requirements with regard to premiums for the insurance and benefits under the insurance, and said non-discrimination requirements are met by linking said premiums and benefits to pre-disability contributions to the plan, said pre-disability contributions having been demonstrated to meet the plan's non-discrimination requirements by definition or by testing.

53. (New) The method of claim 52, wherein said premiums and benefits are linked to the contributions to the plan for the plan year prior to the policy year for which the insurance is effective.

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54. (New) The method of claim 52, wherein said premiums and benefits are linked to contributions to the plan that, in accordance with the IRC and its attendant rules and regulations, are based on a non-discriminatory formula.

55. (New) The method of claim 52, wherein said premiums and benefits are linked to contributions to the plan that are equal to a fixed percentage of compensation for all participants in the plan.

56. (New) The method of claim 46, wherein the trust includes an individual account allocated to each participating employee and the insurance premium for each said employee is paid from said employee's account.

57. (New) The method of claim 46, wherein the trust includes an individual account allocated to each participating employee and the annual premium for all participating employees in the plan is calculated and paid on an overall-plan basis from the trust as a plan

expense.

58. (New) The method of claim 57, wherein said premium is paid from a specific account, source, or fund held in the trust.

59. (New) The method of claim 57, wherein said premium is paid from the earnings of the trust prior to the earnings being allocated to said individual participant accounts.

60. (New) A system for making substitute continuing payments into a trust of a retirement plan, into which contribution payments are normally made on behalf of an employee participating in the plan, during a period of non-payment due to a long-term disability of the employee, comprising:

a. a disability insurance policy, wherein:

i. the insurance policy is a feature of said plan;

ii. the insurance policy is held as an asset of the plan's trust;

iii. premiums for the insurance policy are paid with assets of the trust; and

iv. benefit payments under the insurance policy are paid into the trust; and

b. means for calculating said premiums in an amount which ensures that the benefit payments are substantially equal to the contribution payments made to the trust on behalf of said employee prior to the occurrence of disability.

61. (New) The system of claim 60, further comprising:
- a. means for determining said employee's potential eligibility to be a member of a group insured under said insurance policy;
 - b. means for accounting premiums paid for said insurance policy;
 - c. means for accounting benefits paid under said insurance policy; and
 - d. means for deducting calculated premium amounts from the trust's assets.
62. (New) The system of claim 61, wherein, in accordance with the provisions of the IRC and its attendant rules and regulations, the plan is subject to non-discrimination requirements, and wherein the system further comprises means for demonstrating compliance with said requirements.
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